

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SARAH KELSH

v.

FIRST NIAGARA FINANCIAL GROUP,
INC.

2:12-cv-01202-PBT

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

AND NOW, this 5th day of February 2013, upon

consideration of Plaintiff's "Unopposed Motion for Preliminary Approval of the Class Action Settlement" ("Preliminary Approval Motion") (Doc. 20) and the accompanying "Joint Stipulation for Class Action Settlement and Release" ("Settlement Agreement") (Doc. 20-1), Declaration of Peter Winebrake (Doc. 20-2), and Memorandum of Law (Doc. 21), it is hereby **ORDERED** that:

1. The Preliminary Approval Motion is **GRANTED**, and the settlement of this class action is **PRELIMINARILY APPROVED**.
2. For the purposes of settlement only, the Court finds that Plaintiff has satisfied the class action requisites set forth in Federal Rule of Civil Procedure 23(a)-(b), and, therefore, certifies the following class:

All individuals who, during any workweek after March 7, 2009, was: (i) employed by Defendant First Niagara Bank, N.A. (or any predecessor company) as a salaried Assistant Branch Manager; (ii) classified as overtime-exempt; and (iii) assigned to a branch formerly owned by Harleysville National Bank, or any of its subsidiaries.

The Class Members are identified by payroll number at Exhibit A of the Settlement Agreement.

3. The Court appoints Plaintiff Sarah Kelsh to serve as the class representative.
4. The Court appoints Winebrake & Santillo, LLC to serve as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g).
5. The "Class Action Settlement Notice" ("Notice") attached to the Settlement Agreement as Exhibit B and the notice protocols described in Paragraphs 28-33 of the Settlement Agreement are approved pursuant to Federal Rule of Civil Procedure 23(c)(2)(B), and the parties are directed to strictly follow the agreed-upon protocols.
6. Class Members who wish to object to the settlement or who wish to exclude themselves from the settlement must follow the procedures described on page 3 of the Notice.
7. Pursuant to Federal Rule of Civil Procedure 23(e), a hearing addressing final approval of the settlement, which shall include an assessment of the Class Counsel's requested attorney's fees and expenses, shall be held at the United States Courthouse, 601 Market Street, Philadelphia, PA in Courtroom 16B at 10:00 AM on Monday, April 8, 2013.
8. At least fourteen days prior to the final approval hearing, Class Counsel shall file all papers in support of final approval of the settlement and the requested attorney's fees/expenses.
9. All other proceedings in this action are **STAYED** pending the hearing on final approval of the Agreement.

SO ORDERED:


HON. PETRESE B. TUCKER